

Patent  
Serial No. 10/043,532

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action dated March 22, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in this application. Claims 1, 6, 10, and 20 are independent claims. By this Amendment, claims 1, 3, 6, 10 and 20 are amended. The Amendment incorporates the subject matter previously recited in claims 16-18 into independent claims 1, 6, 10 and 20. Thus, claims 16-18 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. The amendment to claim 3 is made to comply with the requirements of antecedent basis based on the amendment to claim 1, from which claim 3 depends.

Claims 1, 6, 10 and 20 are also amended to recite further reducing the rate of transmission of power control commands by gating off the physical control channel. It is respectfully submitted that this amendment does not constitute new matter in the application. Rather, support for the subject matter added to claims 1, 6, 10 and 20 is found in the application at, for example, page 9, lines 19-21.

The Office Action rejects claims 1-7 and 10-20 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent Publication No. US 2002/0009061 to Willenegger in view of Mohebbi.

Claims 1, 6 and 10, from which claims 2-5, 7, 11-15 and 19 depend, recite that, "means are provided for transmitting each set of uplink control information in a time-multiplexed manner over a single physical channel by reducing the rate of transmission of power control commands in proportion to a number greater than or equal to the number of primary stations with

Patent  
Serial No. 10/043,532

which sets of control information are exchanged, and by further reducing the rate of transmission of power control commands by gating off the physical control channel.” Similarly, claim 20 recites, “transmitting each set of control information in a time-multiplexed manner over a single physical channel by reducing a rate of transmission of power control commands in proportion to a number greater than or equal to a number of primary stations with which sets of control information are exchanged, and by further reducing the rate of transmission of power control commands by gating off the physical control channel.”

It is respectfully submitted that neither Willenegger nor Mohebbi, disclose, teach or suggest “further reducing the rate of transmission of power control commands by gating off the physical control channel,” in combination with the other subject matter recited in claims 1, 6, 10 and 20, particularly the other subject matter quoted above. Rather, Willenegger and Mohebbi are completely devoid of a disclosure, teaching or suggestion of a two-tier means or method of reducing the rate of transmission of power control commands according to the combinations recited in claims 1, 6, 10 and 20.

Claims 2-5, 7, 11-15 and 19 are allowable based at least on their dependence from claims 1, 6 and 10, respectively, for at least the reasons stated above regarding claims 1, 6 and 10.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-7 and 10-20 as being allegedly unpatentable over Willenegger in view of Mohebbi be withdrawn.

The Office Action rejects claims 8 and 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Willenegger in view of Mohebbi and further in view of U.S. Patent No. 6,385,462 to Baurn. This rejection is respectfully traversed.

Patent  
Serial No. 10/043,532

Claims 8 and 9 are allowable based at least on their dependence from claim 6 for the reasons stated above in connection with the rejection of claim 6. Baum fails to overcome the deficiencies in Willenegger and Mohebbi described above. For at least the foregoing reasons, it is respectfully requested that the rejection of claims 8 and 9 as being unpatentable over Willenegger in view of Mohebbi and further in view of Baum be withdrawn.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
KRAMER & AMADO, P.C.

Date: 5/4/06

  
\_\_\_\_\_  
Mark R. Woodall  
Registration No.: 43,286

KRAMER & AMADO, P.C.  
1725 Duke Street, Suite 240  
Alexandria, VA 22314  
Phone: 703-519-9801  
Fax: 703-519-9802

BEST AVAILABLE COPY